

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Philadelphia Indemnity Insurance Co.,

Plaintiff,

v.

SC Academy Holdings, Inc., *et al.*,

Defendants.

Civ. No. 1:14-cv-07025-ALC

NOTICE OF MOTION TO DISMISS

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PLEASE TAKE NOTICE that, pursuant to the Declaratory Judgment Act (28 U.S.C. § 2201) and the federal abstention doctrine set forth in *Brillhart v. Excess Insurance Co. of America*, 316 U.S. 491, 494 (1942) and *Wilton v. Seven Falls Co.*, 515 U.S. 277, 282, 286 (1995), the undersigned attorneys for Defendants SC Academy Holdings, Inc.; SC Academy, Inc.; Culinary Academy of Long Island, Inc. (“CALI”), and Culinary Academy of New York, Inc. (“CANY”) (collectively, “Star”), apply to the United States District Court for the Southern District of New York for an order in favor of Star dismissing all claims brought by Plaintiff Philadelphia Indemnity Insurance Company against Star.

PLEASE TAKE FURTHER NOTICE that in support of the motion, under L. Civ. R. 7.1, Star shall rely upon the attached Memorandum of Law, Declaration of Ellen Kanakaris, Declaration of Alexis P. Storey, Esq., and accompanying exhibits.

Dated: October 30, 2014

Respectfully submitted,

By: /s/ John Schryber
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